IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Bail Appl..No. 6884 of 2007()

CRIME NO.212 OF 2007 OF THRIKKAKARA POLICE STATION

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: PETITIONERS - ACCUSED 1 & 2

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1. RAJESH, AGED 22 YEARS,
S/O.KRISHNANKUTTY, KANNANKERI,
CHITTETHUKARA P.O., KAKKANAD.

2. REJIMON, AGED 20 YEARS,
S/O.KRISHNANKUTTY, KANNANKERI,
CHITTETHUKARA PO., KAKKANAD.

BY ADV. SRI.C.ANILKUMAR (KALLESSERIL)

RESPONDENTS: COMPLAINANT

STATE OF KERALA
(REP.BY SUB INSPECTOR OF POLICE, THRIKKAKARA POLICE STATION - CRIME 212 OF 2007 OF THRIKKAKARA POLICE STATION) REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6884 of 2007

Dated this the 14th day of November, 2007

ORDER

Application for anticipatory bail. The petitioners face allegations in a crime registered under Section 326 I.P.C. They are accused 1 and 2. They are brothers.

2. The learned Public Prosecutor on instructions submits that the investigation is already complete. Final report has already been filed. It is for the petitioners to appear before the learned Magistrate and seek regular bail. The Investigators do not now want to arrest the petitioners. The petitioners may be directed to resort to the ordinary and normal procedure of appearing before the learned Magistrate and seek bail.

3. I find merit in the submission of the learned Public Prosecutor . I am unable to find any features in this case which justify the invocation of the extraordinary equitable discretion under Section 438 Cr.P.C. The petitioners shall surrender before the learned Magistrate and seek regular bail.

4. This bail application is, in these circumstances, dismissed. I may however hasten to observe that if the petitioners appear before the learned Magistrate and apply for bail after giving sufficient prior

notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-